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To: Microsoft ATR
Date: 1/25/02 9:32pm
Subject: Microsoft's Plea Bargain

To whom it may concern:

Plea bargains are to take place before trials, when the defense enters a guilty plea. Why is Microsoft, after being found guilty of multiple anti-trust violations, given a voice in its own punishment?

The primary goals of any remedial action should be to 1) prevent Microsoft from using its marketshare as a tool to succeed over its competitors, and 2) seek punitive damages for the success it has already enjoyed using those tactics.

If Microsoft is only prevented from further leveraging Windows to destroy future competitors, then it has already won for its past actions. Windows has achieved its dominance, Internet Explorer has already destroyed Netscape, and Office already beat Lotus and WordPerfect. The relative significance to halting future anti-competitive growth is miniscule compared to what has already been achieved.

Microsoft's competitors should be allowed to again compete on equal terms. The trial's initial focal point was the issue of Microsoft handcuffing the browser to operating system to destroy Netscape. As a remedy, Microsoft should be forced to do exactly what it forced Apple to do: bundle both browsers with the OS. It should also be forced to unroot Internet Explorer from Windows, giving users the freedom to safely uninstall it entirely from the system. By shipping Windows with the latest versions of both Netscape and Internet Explorer, users have the choice of completely removing either, both, or neither browser from their system. If Internet Explorer continues to dominate, it will have done so through fair competition. To be fair Microsoft should have the choice of either bundling both or neither browser with Windows-- but never one.. The key is to make acquiring and uninstalling equally easy for both browsers. While IE is pre-installed and impossible to uninstall, users need to find and download Netscape from the Internet.

This same requirement can be applied to Windows Media Player, RealPlayer, and QuickTime as well. Either bundle all three, or none at all. Microsoft should also be forced to adopt the "Play Fair" policy currently practiced by Real Networks and Apple: inform users what media types the player supports; recommend alternatives for unsupported media types; give users the option of which supported media types to associate with the player; and don't adversely affect the functionality of other installed media players.

Then there's the issue of fair compensation to its competitors, which seems to have been completely overlooked in this settlement. But that issue may

be better settled in Netscape's recent civil case against Microsoft.

And finally, what was the reason for not breaking up Microsoft? In other words, why will the government allow the dominant operating system and the dominant Office suite to be in control of a single entity? Does the government truly expect Microsoft's behavior to change, despite highly questionable actions it continues to take to this day, throughout the trial? Has there been any thought given to Microsoft's .NET strategy of market domination? Will Microsoft ever convert Internet Explorer to a fee-based, distributed software model, forcing users to pay a browser fee to surf the net? If so, will users have the option of choosing Netscape or Opera without losing core Windows functionality? Will Microsoft migrate any of the operating system's core functionality to a fee-based, distributed model, forcing users to pay fees even if they chose competitors' products?

With the direction the company is already taking with Windows XP and .NET, the answer to those questions is clear. Thank you for your time.

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